

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Shuyuan Zhang  
Capucine Thwin  
Zheng Wu  
Toohyon Cho  
Shawn Gallagher

Group Art Unit: 1623

Examiner: Unknown

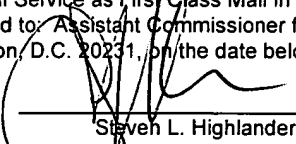
Atty. Dkt. No.: INGN:081/HYL

AT  
P#5  
6-8-99

Serial No.: 09/203,078

Filed: December 1, 1998

For: AN IMPROVED METHOD FOR THE  
PRODUCTION AND PURIFICATION OF  
ADENOVIRAL VECTORS

CERTIFICATE OF MAILING 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:	
April 13, 1999 Date	 Steven L. Highlander

**DECLARATION OF MS. ONITA CHEYNE  
UNDER 37 C.F.R. § 1.47**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Onita Cheyne, declare that:

1. I am a U.S. citizen, residing at 10931 Crown Colony Drive, Austin, Texas. I am employed as a prosecution paralegal with the law firm of Arnold, White & Durkee, Austin, Texas.

2. Dr. Toohyon Cho is a former employee of Introgen Therapeutics, Inc., the entity which owns all intellectual property rights of the present invention. Dr. Cho is a co-inventor of the above-referenced patent application and owes a duty of assignment by virtue of his employment agreement at Introgen.

3. In the filing of a previous patent application, Serial No.: 08/975,519, of which the present application is continuation-in-part, Dr. Cho was informed of Inventors' Oath and Declaration papers that required his signature. Dr. Cho was forwarded a complete copy of the application papers, including the specification, claims, abstract, drawings, Oath and Declaration, via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. Dr. Cho was contacted further by telephone and indicated his unwillingness to sign the Oath and Declaration papers which were sent to him with the patent application. Dr. Cho was contacted a second time by telephone and he again refused to sign the inventors' Oath and Declaration (copies attached).

4. In the normal course of business, on March 31, 1999, I forwarded a complete copy of the application papers, including the specification, claims, abstract, drawings, Oath and Declaration, to Dr. Cho via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. On April 2, 1999, I received a telephone call from Federal Express stating that Dr. Cho could not be reached at his last known address. The enclosed documents were returned via Federal Express on April 5, 1999, as undeliverable.

5. I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4-13-99  
DATE

Onita Cheyne  
Onita Cheyne

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Shuyuan Zhang  
Capucine Thwin  
Zheng Wu  
Toohyon Cho

Group Art Unit: 1641

Examiner: Mosher, M.

Atty. Dkt. No.: INGN:058/PAR

Serial No.: 08/975,519

Filed: November 20, 1997

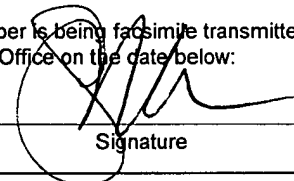
For: AN IMPROVED METHOD FOR THE  
PRODUCTION AND PURIFICATION OF  
ADENOVIRAL VECTORS

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to  
the Patent and Trademark Office on the date below:

1/22/99

Date



Signature

**SUPPLEMENTAL DECLARATION OF DR. KEVIN S. CASEMENT  
UNDER 37 C.F.R. § 1.47**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Kevin S. Casement, Ph.D., declare that:

1. I am a U.S. citizen, residing at 2750 Holly Hally, #1218, Houston, Texas. I am employed as a scientific advisor to the University of Texas M.D. Anderson Cancer Center in Houston, Texas. At the time of filing of this application, I was employed as a scientific advisor

with the law firm of Arnold, White & Durkee, legal counsel representing Introgen Therapeutics, Inc., assignee of the above-referenced patent application.

2. Dr. Toohyon Cho is a former employee of Introgen Therapeutics, Inc., the entity to which all intellectual property rights of the present invention have been assigned as a condition of his employment with Introgen Therapeutics (Exhibit A). Dr. Cho is a co-inventor of the above-referenced patent application.

3. In the normal course of business, I contacted Dr. Cho and informed him of inventors' Oath and Declaration papers that required his signature in relation to the present patent application. On February 4, 1998, I forwarded a complete copy of the application papers, including the specification, claims, abstract, drawings, Oath and Declaration, to Dr. Cho via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079.

4. On February 6, 1998, Dr. Cho indicated by telephone his unwillingness to sign the Oath and Declaration papers which were sent to him with the patent application. On February 10, 1998, I contacted Dr. Cho by telephone and he again refused to sign the inventors' Oath and Declaration.

5. I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1/19/99  
DATE

Kevin S. Casement  
KEVIN S. CASEMENT, PH.D.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Toohyon Cho  
874 Yorkchester #102  
Houston TX 77079

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SPECIAL PROGRAMS OFFICE  
OAC FOR PATENTS

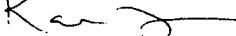
In re Application of  
Zhang, Thwin, Wu and Cho  
Application No. 08/975,519  
Filed: November 20, 1997  
For: Method for the Production and Purification of Adenoviral  
Vectors

Dear Dr. Cho:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)305-9285. Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

  
Karin Tyson  
Senior Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects

ARNOLD WHITE AND DURKEE  
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